## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

| MARIA ALEJANDRA CELIMEN SAVINO and JULIO CESAR MEDEIROS NEVES, | )<br>)<br>)                 |   |
|--|-----------------------------|---|
| Petitioners-Plaintiffs,  | )<br>)<br>) 20-cv-10617 WGY | Y |
| v.   | )                           |   |
| THOMAS HODGSON, et al.,  | )                           |   |
| Respondents-Defendants.  | )<br>)<br>)                 |   |

## OPPOSITION TO MOTION FOR LEAVE TO FILE DECLARATION AS AMICUS CURIAE

Defendants, by their undersigned counsel, Andrew E. Lelling, United States Attorney for the District of Massachusetts, hereby oppose the Motion for Leave to File Declaration as Amicus Curiae filed on behalf of Rick Raemisch. Mr. Raemisch's proposed declaration describes his impressions of prison conditions generally, and states conclusions regarding the dangers of the spread of COVID-19 in theoretical prisons based on those general impressions. What Mr. Raemisch lacks is any knowledge of the actual conditions presently at the Bristol County House of Corrections ("BCHOC"), nor any familiarity with the individuals who are putative members of the purported class. This is what is essential in this case. Moreover, Mr. Raemisch makes it clear in his proposed affidavit that he believes the only appropriate outcome in this case is the release of all non-violent detainees. It is clear, therefore, that he is not offering neutral expertise but is instead an advocate for Plaintiffs' "only-one-possible-solution" approach.

Defendants respectfully submit that the Court neither needs nor would it benefit from the proposed *amicus curiae* declaration and oppose the motion.

Respectfully submitted,

ANDREW E. LELLING, United States Attorney

By: /s/ Thomas E. Kanwit

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April 1, 2020

## **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Thomas E. Kanwit
Thomas E. Kanwit

Dated: April 1, 2020